FOR MYSORE STATE

8—4-1-52.

Passed
by RB

Home (195 2) Department.

Rt. SERIES.

G.O. NO. 3618

(6)

Dated 28-11-52

[Despatch Abstract.]

Establishment - South Kanara Dt- Thimmappaya, Sri Ch Clerk Dist. Munsif' Court, Kundapur - Addl. charge of the post of Examiner of copies - Addl. pay Sanctioned.

R.O.C.4091/52-C2.

From

Sri R. Jayaram Ayyar, M.A., B.L.,
Registrar, High Court, Madras.

To

The Secretary to Government,
Home Department (with enclosures).

Dated 5th November 1952.

Sir,

Sub: F.R. 49 - Additional charge allowance to clerk holding full additional charge of the post of Examiner.

--

I am to forward for orders of Government copies of letters Nos.A.69/52 dated 22-10-52, and A-69/52 dated 28-10-52 from the District Judge, South Kanara recommending additional charge allowance to Sri Ch. Thimmappaya Clerk, District Munsif Court, Kundapur, forthe period 9-9-52 to 15-10-52 when he held full additional charge of the post of Examiner of the same court. The Hon'ble the Judges endorse the remarks of the District Judge, South Kanara.

REGISTRAR.

YSR.

Copy of letter No.A.69/52 dated 22-10-52 from the District Judge of South Kanara to the Registrar, High Court, Madras.

--

Sub: Combination of appointments - F.R.49 - Additional allowance - Sanctioning of - Request for.

--

Sri B. Krishnaya, Examiner of Copies, D.M.C., Kundapur took leave from 4-8-52 and he was due to return from leave on 22-9-52. The person appointed to act temporarily for him was relieved on 9-9-52 at her request and as the duration of the remaining period of leave was too short for appointing a new substitute, Sri Ch.Thimmappayya, clerk, of the D:M.C. Kundapur was placed in full additional charge of the post of the Examiner of copies in addition to his own duties as Lower Division Clerk. Sri B. Krishnaya extended his leave till 15-10-52 so that Sri Ch. Thimmappaya held full additional charge of the post of Examiner of copies from 9-9-52 to 15-10-1952.

2. I therefore request that under instruction 1(b) under F.R.49 the High Court may be pleased to sanction the drawal of an additional

allowance

allowance equal to one fifth of his substantive pay to the said Sri Ch. Thimmappaya for the period specified above.

(sd) P.T. Raman Nayar,
District Judge.

(True copy)

Sub Assistant Registrar,
Administrative Department.
6.11.52.

Ysr.

5

Copy of letter No.A.69/52 dated 28-10-52 from the District Judge of South Kanara to the Registrar, High Court, Madras.

Sub: Combination of appointments - F.R.49 - Additional allowance - Sanctioning of - Request of.

Ref: My letter No.A.69/52 dated 22-10-52 and High Court R.oc.No.3947 of 1952 C2 dated 25-10-52.

Instruction 3 under F.R.49 only says that no additional pay should be granted when a clerk discharges the duties of <u>one or more clerks</u> in the same office, as the posts cannot be held to be independent within the meaning of Rule 49. But it cannot be said that the post of a clerk and an Examiner of Copies are not independent. The duties of an Examiner are of quite a different nature from those of a clerk. He is the head of the Copyists section in an outlying District Munsif's Court. He has to receive the copy applications, collect the requisite copy stamp papers, distribute the work among the several copyists, compare the copies and issue them under his signature. These and the other duties attached to that post are quite different from the duties of a clerk

clerk and the two posts are therefore independent within the meaning of Rule 49 and instruction 3 referred to above is no bar to the grant of the additional pay allowed by the rules. I therefore request that sanction for the drawal of the additional pay may be accorded. My letter No.A.69/52 dated 22-10-1952 is enclosed.

(sd) P.T.Raman Nayar,
District Judge of South Kanara.

(True copy)

Sub Assistant Registrar,
Administrative Department. 6.11.52.

Ysr.

Proceedings No. IV

Confl. 1573, H 2 10.52/

Home Deptt

G.O. Rt. No. 3618 dated 28.11.52

No. 14/11 Establishment - South Kanara dist. - Thimmappaya, Sri Ch., Clerk, D.M.C. Kundapura - Addl. charge of the post of Examiner of Copies - Addl. pay - Sanctioned

Read

From the High Court Roc No. 4091 52-C2 dt 5.11.52

ORDER

Govt. sanction the grant of addl. pay to Sri Ch. Thimmappaya, Clerk, D.M.C. Kundapura, South Kanara dist. at one fifth of his substantive pay for having held full addl. charge of the post of Examiner of Copies in that Court for the period from 9.9.52 to 15.10.52

14/11/52 14/11/52 15.11.52 20/11/52

To
The Registrar, High Court, Madras
" Dt. Judge, South Kanara
" A.G. Madras thro' the Fin. Deptt with a copy of G.O.
(Copy for Secy)

(C.M. 207275 ch I/52

Establishment — South Kanara dist. — D.M.C, Kundapur — Thimmappayya, Sri Ch. clerk — Addl. charge of the post of Examiner — charge allowance — Sanction of

From the High Court Acc No 4091/52-C2 dt 5.11.52

p1 y

The proposal in this file is to sanction an addl. charge allowance to Sri Ch. Thimmappaya, clerk, Dist. Munsif Court, Kundapur for the period from 9.9.52 to 15.10.52 when he held full addl. charge of the post of Examiner of that Court. The facts of the case are as below:-

p1 y

1. Sri B. Krishnayya, Examiner of copies, D.M.C. Kundapur took leave from 4.8.52 upto 22.9.52. For the reasons stated at A on p3 y., the Dt. Judge placed Sri Ch. Thimmappaya in full addl. charge of the post of the Examiner in addition to his own duties as L.D. clerk from 9.9.52 and on Sri Krishnayya extending his leave upto 15.10.52, Sri Thimmappaya continued to hold addl. charge of the post of Examiner upto that date.

p3 y

Under instructions under F.R. 49 addl. pay may be granted if :-

(i) the previous incumbent of the addl. post held has actually given over charge thereof under orders of competent authority;

pp 94-95 of Rules 154

(ii) the period of addl. charge exceeds 14 working days; and

(iii) the extra duties to be performed

are not nominal or comparatively light.

Item (i) above. This condition is satisfied Please see A on p 3 of.

Item (ii) on p1 ante. The period of addl. charge in this case viz., from 9.9.52 to 15.10.52 exceeds 14 days and so this condition is also satisfied.

Item (iii) on pp 1-2 above: The Dt. Judge has stated that Sri Ch. Thimmappaya was placed in full addl. charge of the post of the Examiner of Copies in addition to his own duties as L.D.C. The Dt. Judge has also stated that the duties attached to the post of Examiner are quite different from the duties of a clerk and that the two posts are therefore independent within the meaning of F.R. 49 and instruction 3 under it is no bar to the grant of addl. pay in this case. The Judges of the High Court endorse the Dt. Judge's remarks above & the circumstances condition in item (iii) on pp 1-2 above may also be deemed to be satisfied.

p3 of

p5. bef

p95, Rules 154

p1 of.

Under instruction (1) to F.R. 49, the competent authority to appoint a Govt. servant to hold or officiate in a second post in addition to his own should declare whether he officiates in or holds full addl. charge of the addl. post or is appointed merely to discharge current duties. If the Govt. servant is appointed to holds full charge of one or more posts in addition to his own, the addl. pay which may be granted to him should not exceed one-fifth of his substantive pay (excluding overseas pay) in respect of each addl. post and if he is appointed to discharge only the current duties, the addl. pay which may be granted to him should not exceed one-tenth of his substantive pay.

p 96, Rules 154

do

do

In this case Sri Ch. Thimmappayya

was in full addl. charge of the post of Examiner and the DC-Judge and the High Court have proposed the sanction of the addl. pay equal to one-fifth of his substantive pay.

In the above circumstances, orders whether the proposal may be accepted. A draft order is subd. for approval. Finance may see before issue.

RJ 14/11/52 RJ 14/11/52

~~Are they not two posts Are not both posts there.~~

A | Are there separate posts of clerks & examiners or are the two called clerks in the order sanctioning the posts?

B | If so will not instruction 3 be a bar in the absence of a special note under it.

C | If they are posts in different scales & categories what are the scales of posts & is the charge in order with in the matter

D | of max. addl pay admissible?

RJ 15/11/52

Refce : A.S.' queries above

Portions marked A and C above:-

Subd. There are separate posts of clerks and Examiners in the Madras Subd. Ministerial Service. They belong to categories 5 and 6 in class IV of that Service respectively. Their scales of pay are :- (p 280, Bk no. 114.)

i) Clerks, L.d -- Rs. 45-3-60-2-90

ii) Examiners -- Rs. 40-2-50.

(cf X and Y, p 23 of (S)) NSW

Both the ~~Boards~~ posts cannot therefore be called as clerks. ~~the same as clerks~~

Portions marked B above:-

Instruction 3 under F.R. 49 runs

as below:-

No addl. pay should be granted when a clerk discharges the duties of one or more clerks in the same office as the posts cannot be held to be independent within the meaning of Rule 49." p95, Rule No. 154 ✓ p94 ibid

The term independent occurring in the above rule should be interpreted as meaning "separate" or "distinct" and not in the original sense of one post being subordinate or inferior to another as understood in Article 162-A of the C.S.R. does not apply here. Cf Ruling 2 under FR 49.

As the two posts in the present case belong to different categories and carry different scales of pay (and as the duties attached to them are of quite a different nature) they are separate posts and instruction 3 extracted above is not a bar to the grant of addl. pay in the absence of a special rule under it. Please see in this connection portion marked M on pp 5-6 of ~~and~~ N on p 6 of. p M, p 94. p 95, Rule of 154.

Portion marked D on p 3 ante

Under instn 1(b) under F.R. 49 if a Govt. servant is "appointed to hold full addl. charge of one or more posts, he may be granted addl. pay not exceeding one-fifth of his substantive pay. In this case, the Dt. Judge has stated that the clerk was placed in full addl. charge of the post of Examiner in addition to his own duties as ~~Asst~~ clerk and has recommended sanction of addl. pay equal to one fifth of his substantive pay under instn 1(b) under F.R. 49 referred to above. In the circumstances, the max. addl. pay provided as in the draft below seems admissible. p 94 of BK No 154 " Cf A, p 3 of para 2, p 3 of

After orders are passed, the case

(207275/52)

CSR

be sent to Finance for acceptance of the draft below.

RB 19.11.52

RB 20/11/52

Home U.O. No. 207275/Ch I/52 20/11/52

Jm (Ch I)

The draft order may be accepted & the case returned to Home.

b 24/11/52

Jm 24/11/52 Home

CSR

ADDITIONAL DEPUTY SECRETARY TO GOVERNMENT
29 NOV 1952
86573
FINANCE DEPARTMENT

Home (Ch I)

From 86573 C&L/52 24.11.52

The draft order below, accepted by Finance, may now issue.

RB 26/11/52

26/11/52

27.XI.952

AWS 11

CSR 27/11/52

(Crookshank 26/11, Home, 28/11/52)